

AN ACT

ENTITLED, An Act to limit a perpetrator's right to recover for injuries received in the course of committing a crime and to revise the definition of crime.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 22-48-1 be amended to read as follows:

22-48-1. Terms used in this section mean:

- (1) "Convicted," includes a finding of guilt, whether or not the adjudication of guilt is stayed or executed, an unwithdrawn judicial admission of guilt or guilty plea, a no contest plea, a judgment of conviction, an adjudication as a delinquent child, or an admission to a juvenile delinquency petition;
- (2) "Course of criminal conduct," includes the acts or omissions of the perpetrator in carrying out the crime of which convicted or of a victim in resisting criminal conduct;
- (3) "Crime," includes an offense named in §§ 22-11-3, 22-11-4, 22-11-6, 22-11-9.1, 22-16-4, 22-16-7, 22-16-9, 22-16-15, 22-16-20, 22-18-1, 22-18-1.1, 22-19-1, 22-19A-1, 22-19A-2, 22-22-1, 22-22-7, 22-30-1, 22-30A-4, 22-32-1, 22-32-3, 22-32-8, chapter 22-33, or an attempt to commit any of these offenses. The term includes a crime in other states which would have been within this definition if the crime had been committed in this state;
- (4) "Perpetrator," any person who has been convicted of a crime as defined in subdivision (3);
- (5) "Victim," a person who was the object of a perpetrator's criminal conduct and includes a person at the scene of an emergency who gives reasonable assistance to another person who is exposed to or has suffered grave physical harm.

Section 2. That chapter 22-48 be amended by adding thereto a NEW SECTION to read as follows:

If the perpetrator claims that the victim used unreasonable force, before any discovery relating to the claim may be commenced and before the claim may be submitted to the trier of fact, the court, after hearing, must find, based on clear and convincing evidence, that there is a reasonable basis to believe that the victim used unreasonable force.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1146

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1146
File No. _____
Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State